

UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

JERROD R. WOODROW,

Plaintiff,

v.

**KILOLO KIJAKAZI, acting
Commissioner of Social Security,**

Defendant.

Case No. 1:21-cv-01755-AWI-HBK

**ORDER GRANTING PARTIES'
STIPULATED MOTION TO REMAND
UNDER SENTENCE FOUR OF 42 U.S.C. §
405(g), REVERSING FINAL DECISION
AND REMANDING CASE**

(Doc. No. 22)

**ORDER MOOTING PLAINTIFF'S
MOTION FOR SUMMARY JUDGMENT**

(Doc. No. 21)

Pending before the Court is the parties' joint motion to remand filed October 12, 2022. Doc. No. 22. Plaintiff Jerrod R. Woodrow and the Commissioner of Social Security agree that this case should be remanded for further administrative proceedings under sentence four of 42 U.S.C. § 405(g). Id.

The United States Supreme Court held that the Social Security Act permits remand in conjunction with a judgment either affirming, reversing, or modifying the Secretary's decision. See Melkonyan v. Sullivan, 501 U.S. 89, 97-98 (1991) (addressing issue of attorney's fees under the Equal Access to Justice Act and calculating deadline using date of final judgment). The Melkonyan court recognized 42 U.S.C. § 405(g) contemplates only two types of remand – sentence four or sentence six. Id. at 98. A sentence four remand authorizes a court to enter "a

1 judgment affirming, modifying, or reversing the decision of the Secretary, with or without
2 resetting the cause for a rehearing.” Id. (other citations omitted).

3 The Court grants the parties’ motion to remand under sentence four and reverses the
4 Commissioner’s final decision. As agreed upon by the parties, upon remand, the Administrative
5 Law Judge should further develop the record as necessary, and issue a new decision.

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7 Accordingly, it is **HEREBY ORDERED THAT:**

- 8 1. Pursuant to sentence four of 42 U.S.C. § 405(g), the Court GRANTS the joint
9 motion to remand (Doc. No. 22) and REVERSES the Commissioner’s decision.
- 10 2. This case is REMANDED to the Commissioner of Social Security for further
11 proceedings consistent with this Order.
- 12 3. An application for attorney fees may be filed by separate motion.
- 13 4. Plaintiff’s Motion for Summary Judgment (Doc. No. 21) is denied as MOOT.
- 14 5. The Clerk shall enter judgment in favor of Plaintiff, terminate any deadlines, and
15 close this case.

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17 IT IS SO ORDERED.

18 Dated: October 14, 2022



19 SENIOR DISTRICT JUDGE

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